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WRITTEN TESTIMONY OF
MELANIE I. KOLEK, LEGAL COUNSEL
CONNECTICUT EDUCATION ASSOCIATION
BEFORE THE
COMMITTEE ON LABOR AND PUBLIC EMPLOYEES
REGARDING
PROPOSED SENATE BILL NO. 660

AN ACT EXPANDING WORKERS' COMPENSATION BENEFITS FOR MENTAL OR
EMOTIONAL IMPAIRMENTS SUFFERED BY ALL WORKERS

February 18, 2021

Senator Kushner, Representative Porter, and members of this esteemed committee, my name is Melanie I. Kolek. I am legal counsel for the Connecticut Education Association, proudly representing public school teachers across our state. A majority of my practice is before the Workers' Compensation Commission.

It is critical our Workers' Compensation Act be expanded to include mental and emotional impairments for all employees arising out of and in the course of one's employment. Nearly 60% of my clients suffer from some component of mental or emotional damage as a result of the injury occurring. In representing teachers, I have found that the types of actions that cause these unseen injuries include, but are not limited to, being bitten, scratched, pulled, shoved to the ground, and punched by the students they are charged to care for and educate.

There may be many arguments against this expansion, including cost and abuse factors that were discussed before the 1993 Workers' Compensation Act Reforms. Taking a closer look at the statutes and case law, however, checks and balances to prevent abuse are already in place, which can simply be converted to mental and emotional impairment

claims. There are significant burdens placed upon the employee to prove a physical injury, and emotional impairments would similarly fall under this requirement, allowing the employer to challenge the compensability and causality of that impairment just as they now do with physical claims.

You undoubtedly will hear testimony from critics of this bill that nearly 10% of the population suffers some type of mental anguish or injury at some point in their lives. In fact, several studies show almost 80% of Americans suffer from lumbar or cervical symptoms in their lifetime, yet those physical injuries are recognized under the Act.

This is a fundamental mental health issue. With advances in medical science, we must make mental health services available, not deny that treatment to our working population who suffer in silence without the opportunity or resources for treatment. Inclusion of mental and emotional claims under the Workers' Compensation Act is necessary, timely, and in the very best interest of all of our working citizens.